

House File 2354

H-8121

1 Amend House File 2354 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 48A.9, subsection 1, Code 2014,
5 is amended to read as follows:

6 1. Registration closes at 5:00 p.m. eleven days
7 before each election except ~~primary and~~ general
8 elections. For ~~primary and~~ general elections,
9 registration closes at 5:00 p.m. ten days before the
10 election. An eligible elector may register during the
11 time registration is closed in the elector's precinct
12 but the registration shall not become effective until
13 registration opens again in the elector's precinct,
14 except as otherwise provided in section 48A.7A.

15 Sec. 2. Section 48A.26, subsection 3, Code 2014, is
16 amended to read as follows:

17 3. If the registration form is missing required
18 information pursuant to section 48A.11, subsection 8,
19 the acknowledgment shall advise the applicant what
20 additional information is required. The commissioner
21 shall enclose a new registration form for the applicant
22 to use. If the registration form has no address,
23 the commissioner shall make a reasonable effort to
24 determine where the acknowledgment should be sent. If
25 the incomplete registration form is received during
26 the period in which registration is closed pursuant to
27 section 48A.9 but by 5:00 p.m. on the Saturday before
28 the election for general ~~and primary~~ elections or by
29 5:00 p.m. on the Friday before the election for all
30 other elections, the commissioner shall send a notice
31 advising the applicant of election day and in-person
32 absentee registration procedures under section 48A.7A.

33 Sec. 3. Section 50.20, Code 2014, is amended to
34 read as follows:

35 **50.20 Notice of number of provisional ballots.**

36 The commissioner shall compile a list of the number
37 of provisional ballots cast under section 49.81 in each
38 precinct. The list shall be made available to the
39 public as soon as possible, but in no case later than
40 9:00 a.m. on the second day following the election.
41 Any elector may examine the list during normal office
42 hours, and may also examine the ~~affidavit~~ affidavits
43 on the envelopes bearing containing the ballots of
44 challenged electors until the reconvening of the
45 special precinct board as required by this chapter.
46 Only those persons so permitted by section 53.23,
47 subsection 4, shall have access to the affidavits
48 while that board is in session. Any elector may
49 present written statements or documents, supporting or
50 opposing the counting of any provisional ballot, at

1 the commissioner's office until the reconvening of the
2 special precinct board.

3 Sec. 4. Section 53.2, subsection 6, Code 2014, is
4 amended to read as follows:

5 6. If an application for an absentee ballot
6 is received from an eligible elector who is not a
7 registered voter the commissioner shall send the
8 eligible elector a voter registration form and another
9 absentee ballot application form. If the application
10 is received after the time registration closes pursuant
11 to section 48A.9 but by 5:00 p.m. on the Saturday
12 before the election for general ~~and primary~~ elections
13 or by 5:00 p.m. on the Friday before the election for
14 all other elections, the commissioner shall notify the
15 applicant by mail of the election day and in-person
16 absentee registration provisions of section 48A.7A.
17 In addition to notification by mail, the commissioner
18 shall also attempt to contact the applicant by any
19 other method available to the commissioner.

20 Sec. 5. Section 53.8, subsection 1, Code 2014, is
21 amended to read as follows:

22 1. a. Upon receipt of an application for an
23 absentee ballot and immediately after the absentee
24 ballots are printed, the commissioner shall mail an
25 absentee ballot to the applicant within twenty-four
26 hours, except as otherwise provided in subsection 3.
27 The absentee ballot shall be sent to the registered
28 voter by one of the following methods:

29 (1) The absentee ballot shall be enclosed in an
30 unsealed envelope bearing marked with a serial number
31 and affidavit. The absentee ballot and unsealed
32 affidavit envelope shall be enclosed in or with a an
33 unsealed return envelope marked postage paid which
34 bears the same serial number as the unsealed affidavit
35 envelope. The absentee ballot, unsealed affidavit
36 envelope, and return envelope shall be enclosed in a
37 third envelope to be sent to the registered voter. If
38 the ballot cannot be folded so that all of the votes
39 cast on the ballot will be hidden, the commissioner
40 shall also enclose a secrecy envelope with the absentee
41 ballot.

42 (2) The absentee ballot shall be enclosed in an
43 unsealed return envelope marked with a serial number
44 and affidavit and marked postage paid. The absentee
45 ballot and return envelope shall be enclosed in a
46 second envelope to be sent to the registered voter. If
47 the ballot cannot be folded so that all of the votes
48 cast on the ballot will be hidden, the commissioner
49 shall also enclose a secrecy envelope with the absentee
50 ballot.

1 b. The affidavit shall be marked on the appropriate
2 envelope in a form prescribed by the state commissioner
3 of elections.

4 Sec. 6. Section 53.10, subsection 2, Code 2014, is
5 amended to read as follows:

6 2. Each person who wishes to vote by absentee
7 ballot at the commissioner's office shall first sign
8 an application for a ballot including the following
9 information: name, current address, and the election
10 for which the ballot is requested. The person may
11 report a change of address or other information on
12 the person's voter registration record at that time.
13 The registered voter shall immediately mark the
14 ballot; enclose the ballot in a secrecy envelope, if
15 necessary, and seal it in ~~an affidavit~~ the envelope
16 marked with the affidavit; subscribe to the affidavit
17 on the reverse side of the envelope; and return the
18 absentee ballot to the commissioner. The commissioner
19 shall record the numbers appearing on the application
20 and affidavit envelope along with the name of the
21 registered voter.

22 Sec. 7. Section 53.16, Code 2014, is amended to
23 read as follows:

24 **53.16 Subscribing to affidavit.**

25 After marking the ballot, the voter shall make and
26 subscribe to the affidavit on the ~~reverse side of the~~
27 affidavit envelope or on the return envelope marked
28 with the affidavit, and fold the ballot or ballots,
29 separately, so as to conceal the markings on them, and
30 deposit them in the envelope, and securely seal the
31 envelope.

32 Sec. 8. Section 53.17, subsection 1, unnumbered
33 paragraph 1, Code 2014, is amended to read as follows:

34 ~~The~~ If the commissioner mailed the ballot pursuant
35 to section 53.8, subsection 1, paragraph "a",
36 subparagraph (1), the sealed affidavit envelope
37 containing the absentee ballot shall be enclosed in a
38 return envelope which shall be securely sealed. If
39 the commissioner mailed the ballot pursuant to section
40 53.8, subsection 1, paragraph "a", subparagraph (2),
41 the absentee ballot shall be enclosed in the return
42 envelope which shall be securely sealed. The sealed
43 return envelope shall be returned to the commissioner
44 by one of the following methods:

45 Sec. 9. Section 53.17, subsection 2, Code 2014, is
46 amended to read as follows:

47 2. In order for the ballot to be counted, the
48 return envelope must be received in the commissioner's
49 office before the polls close on election day or must
50 be clearly postmarked by an officially authorized

1 postal service not later than the day before the
2 election and received by the commissioner not later
3 than noon on the Monday following the election or must
4 be clearly postmarked by received by the commissioner
5 through an officially authorized postal service not
6 later than 5:00 p.m. on the day before after the
7 election and received by the commissioner not later
8 than noon on the Monday following the election.

9 Sec. 10. Section 53.18, subsections 2 and 3, Code
10 2014, are amended to read as follows:

11 2. If the commissioner receives the return envelope
12 containing the completed absentee ballot by 5:00
13 p.m. on the Saturday before the election for general
14 ~~and primary~~ elections and by 5:00 p.m. on the Friday
15 before the election for all other elections, the
16 commissioner shall review the affidavit marked on the
17 return envelope, if applicable, for completeness or
18 shall open the return envelope to review the affidavit
19 for completeness. If the affidavit is incomplete, the
20 commissioner shall, within twenty-four hours of the
21 time the envelope was received, notify the voter of
22 that fact and that the voter may complete the affidavit
23 in person at the office of the commissioner by 5:00
24 p.m. on the day before the election, vote a replacement
25 ballot in the manner and within the time period
26 provided in subsection 3, or appear at the voter's
27 precinct polling place on election day and cast a
28 ballot in accordance with section 53.19, subsection 3.

29 3. If the affidavit envelope or the return
30 envelope marked with the affidavit contains a defect
31 that would cause the absentee ballot to be rejected
32 by the absentee and special voters precinct board,
33 the commissioner shall immediately notify the voter
34 of that fact and that the voter's absentee ballot
35 shall not be counted unless the voter requests and
36 returns a replacement ballot in the time permitted
37 under section 53.17, subsection 2. The voter may
38 request a replacement ballot in person, in writing, or
39 over the telephone. The same serial number that was
40 assigned to the records of the original absentee ballot
41 application shall be used on the envelope and records
42 of the replacement ballot. The affidavit envelope
43 marked with the affidavit and containing the completed
44 replacement ballot shall be marked "Replacement
45 ballot". The affidavit envelope marked with the
46 affidavit and containing the original ballot shall be
47 marked "Defective" and the replacement ballot shall be
48 attached to the affidavit such envelope containing the
49 original ballot and shall be stored in a secure place
50 until they are delivered to the absentee and special

1 voters precinct board, notwithstanding sections 53.26
2 and 53.27.

3 Sec. 11. Section 53.21, subsection 2, paragraph b,
4 Code 2014, is amended to read as follows:

5 *b.* The voter shall enclose one copy of the above
6 statement in the return envelope along with the
7 affidavit envelope, if the voter was mailed a separate
8 affidavit envelope, and shall retain a copy for the
9 voter's records.

10 Sec. 12. Section 53.23, subsection 3, paragraph
11 b, subparagraph (1), Code 2014, is amended to read as
12 follows:

13 (1) The commissioner may direct the board to meet
14 on the day before the election for the purpose of
15 reviewing the absentee voters' affidavits appearing
16 on the sealed affidavit envelopes. If in the
17 commissioner's judgment this procedure is necessary
18 due to the number of absentee ballots received, the
19 members of the board may open the sealed affidavit
20 envelopes and remove the secrecy envelope containing
21 the ballot, but under no circumstances shall a secrecy
22 envelope or a return envelope marked with an affidavit
23 be opened before the board convenes on election day,
24 except as provided in paragraph "c". If the affidavit
25 envelopes are opened before election day pursuant
26 to this paragraph "b", two observers, one appointed
27 by each of the two political parties referred to
28 in section 49.13, subsection 2, shall witness the
29 proceedings. The observers shall be appointed by the
30 county chairperson or, if the county chairperson fails
31 to make an appointment, by the state chairperson.
32 However, if either or both political parties fail to
33 appoint an observer, the commissioner may continue with
34 the proceedings.

35 Sec. 13. Section 53.23, subsection 5, Code 2014, is
36 amended to read as follows:

37 5. The special precinct election board shall
38 preserve the secrecy of all absentee and provisional
39 ballots. After the affidavits on the envelopes have
40 been reviewed and the qualifications of the persons
41 casting the ballots have been determined, those that
42 have been accepted for counting shall be opened. The
43 ballots shall be removed from the affidavit envelopes
44 or return envelopes marked with the affidavit, as
45 applicable, without being unfolded or examined, and
46 then shall be thoroughly intermingled, after which they
47 shall be unfolded and tabulated. If secrecy folders or
48 envelopes are used with provisional paper ballots, the
49 ballots shall be removed from the secrecy folders after
50 the ballots have been intermingled.

1 Sec. 14. Section 53.25, Code 2014, is amended to
2 read as follows:

3 **53.25 Rejecting ballot.**

4 1. If the absentee voter's affidavit lacks the
5 voter's signature, if the applicant is not a duly
6 registered voter on election day in the precinct
7 where the absentee ballot was cast, if the affidavit
8 envelope marked with the affidavit contains more than
9 one ballot of any one kind, or if the voter has voted
10 in person, such vote shall be rejected by the absentee
11 and special voters precinct board. If the affidavit
12 envelope or return envelope marked with the affidavit
13 is open, or has been opened and resealed, or if the
14 ballot is not enclosed in the affidavit such envelope,
15 and an affidavit envelope or return envelope marked
16 with the affidavit with the same serial number and
17 marked "Replacement ballot" is not attached as provided
18 in section 53.18, the vote shall be rejected by the
19 absentee and special voters precinct board.

20 2. If the absentee ballot is rejected prior to the
21 opening of the affidavit envelope or return envelope
22 marked with the affidavit, the voter casting the ballot
23 shall be notified by a precinct election official
24 by the time the canvass is completed of the reason
25 for the rejection on a form prescribed by the state
26 commissioner of elections.

27 Sec. 15. Section 53.27, Code 2014, is amended to
28 read as follows:

29 **53.27 Rejection of ballot — return of envelope.**

30 If the ballot is rejected, the affidavit envelope,
31 marked with the affidavit of, with the ~~voter endorsed~~
32 voter's endorsement thereon, shall be returned with the
33 rejected ballot in the envelope endorsed "Defective
34 ballots".

35 Sec. 16. Section 53.30, Code 2014, is amended to
36 read as follows:

37 **53.30 Ballots, ballot envelopes, and other**
38 **information preserved.**

39 At the conclusion of each meeting of the absentee
40 and special voter's precinct board, the board shall
41 securely seal all ballots counted by them in the manner
42 prescribed in section 50.12. The ballot envelopes,
43 including the affidavit envelope having the registered
44 voter's affidavit on it if an affidavit envelope was
45 provided, the return envelope, and secrecy envelope
46 bearing the signatures of precinct election officials,
47 as required by section 53.23, shall be preserved. All
48 applications for absentee ballots, ballots rejected
49 without being opened, absentee ballot logs, and any
50 other documents pertaining to the absentee ballot

1 process shall be preserved until such time as the
2 documents may be destroyed pursuant to section 50.19.

3 Sec. 17. Section 53.32, Code 2014, is amended to
4 read as follows:

5 **53.32 Ballot of deceased voter.**

6 When it shall be made to appear by due proof to
7 the precinct election officials that any elector, who
8 has so marked and forwarded a ballot, has died before
9 the ~~affidavit~~ envelope marked with the affidavit is
10 opened, then the ballot of such deceased voter shall
11 be endorsed, "Rejected because voter is dead", and be
12 returned to the commissioner, ~~but the~~. The casting of
13 the ballot of a deceased voter shall not invalidate the
14 election.

15 Sec. 18. Section 53.38, Code 2014, is amended to
16 read as follows:

17 **53.38 What constitutes registration.**

18 Whenever a ballot is requested pursuant to section
19 53.39 or 53.45 on behalf of a voter in the armed
20 forces of the United States, the affidavit upon the
21 ~~affidavit~~ envelope marked with the affidavit of such
22 voter, if the voter is found to be an eligible elector
23 of the county to which the ballot is submitted, shall
24 constitute a sufficient registration under chapter
25 48A. A completed federal postcard registration and
26 federal absentee ballot request form submitted by such
27 eligible elector shall also constitute a sufficient
28 registration under chapter 48A. The commissioner shall
29 place the voter's name on the registration record as a
30 registered voter if it does not already appear there.
31 The identification requirements of section 48A.8 and
32 the verification requirements of section 48A.25A do
33 not apply to persons who register to vote under this
34 division.

35 Sec. 19. Section 53.40, subsection 3, Code 2014, is
36 amended to read as follows:

37 3. If the affidavit on the ~~affidavit~~ envelope
38 marked with the affidavit shows that the affiant is not
39 a qualified voter on the day of the election at which
40 the ballot is offered for voting, the envelope shall
41 not be opened, but the envelope and ballot contained
42 in the envelope shall be preserved and returned by the
43 precinct election officials to the commissioner, who
44 shall preserve them for the period of time and under
45 the conditions provided for in sections 50.12, 50.13,
46 50.15, and 50.19.

47 Sec. 20. Section 53.44, Code 2014, is amended to
48 read as follows:

49 **53.44 Affidavit to be signed and returned.**

50 1. The affidavit on the ~~affidavit~~ envelope marked

1 with the affidavit used in connection with voting by
2 absentee ballot under this division by members of the
3 armed forces of the United States need not be notarized
4 or witnessed, but the affidavit on such envelope shall
5 be completed and signed by the voter.

6 2. Absentee ballots issued under this division
7 shall be returned in the same manner and within the
8 same time limits specified in section 53.17.

9 Sec. 21. REPEAL. Sections 53.13 and 53.14, Code
10 2014, are repealed.>

11 2. Title page, by striking lines 3 and 4 and
12 inserting <to a primary election, modifying the
13 deadline for receipt of absentee ballots by the
14 commissioner, and>

HAGENOW of Polk